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DR. FELICIA HUNT
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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 JOHN DOE, an individual,

12 Plaintiff,

13 v.

14 CALIFORNIA INSTITUTE OF
15 TECHNOLOGY, a nonprofit
corporation, and DOES 1-20, inclusive,

16 Defendants.

Case No. CV18-09178-SVW (JEMx)

17 **DEFENDANT HUNT'S NOTICE OF
JOINDER AND JOINDER TO
CALIFORNIA INSTITUTE OF
TECHNOLOGY'S MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT PURSUANT
TO FED. R. CIV. PROC. 12(B)(1) AND
12(B)(6)**

18 Date: TBD—Under Submission
Time: TBD—Under Submission
Place: Courtroom 10A

19 Complaint Filed: October 25, 2018
20 Trial Date: None
District Judge: Hon. Stephen V. Wilson
Courtroom 10A, First St.
Magistrate Judge: Hon. John E. McDermott
Courtroom 640, Roybal
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23 Case No. CV18-09178-SVW (JEMx)
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DEFENDANT HUNT'S NOTICE OF JOINDER AND JOINDER TO CALIFORNIA INSTITUTE OF
TECHNOLOGY'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT

1 **TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF**
 2 **RECORD:**

3 PLEASE TAKE NOTICE THAT defendant Dr. Felicia Hunt (“Hunt”) will and
 4 hereby does join in California Institute of Technology’s motion to dismiss Plaintiff’s
 5 First Amended Complaint (“FAC”) with prejudice pursuant to Federal Rules of Civil
 6 Procedure 12(b)(1) and 12(b)(6), filed in the United States District Court for the
 7 Central District of California on January 22, 2019 (the “Motion”) (Docket No. 24), as
 8 well as its reply brief filed in the United States District Court for the Central District
 9 of California on February 11, 2019 (“Reply”) (Docket No. 30).¹

10 Hunt joins the Motion for all the reasons set forth in the Motion, its
 11 accompanying memorandum of points and authorities, all supporting documents, and
 12 the Reply, pursuant to Federal Rules of Civil Procedure, rules 12(b)(1) and 12(b)(6)
 13 for failure to state a claim upon which relief can be granted and on the grounds that
 14 this Court lacks jurisdiction over this case, and follows the conference of counsel
 15 pursuant to Local Rule 7-3, which began on December 7, 2018. (*See* Declaration of
 16 Vanessa Krumbein filed concurrently with the Motion on January 22, 2019.)

17 Specifically, as described in Caltech’s motion to dismiss, taken under
 18 submission by the Court, the FAC fails in its entirety because Plaintiff failed to seek
 19 judicial exhaustion by first challenging the disciplinary action through a writ of
 20 mandamus in state court before initiating a federal court action—Plaintiff’s exclusive
 21 remedy under the facts alleged in his FAC. *See* Cal. Code Civ. Proc. § 1094.5; *see also*
 22 *Doe v. Regents of the Univ. of California*, 891 F.3d 1147, 1155 (2018) Moreover,
 23 Plaintiff’s claim against Caltech’s Title IX coordinator, Dr. Felicia Hunt (“Hunt”),
 24 sued in her official capacity for a violation of 42 U.S.C. § 1983, fails as discussed in
 25 the Motion and Reply because state action has not been (and cannot be) sufficiently

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¹ This Joinder serves as Hunt’s responsive pleading to Plaintiff’s First Amended
 28 Complaint.

1 pled—a jurisdictional requisite for bringing such a claim.

2 Based on her joinder to the Motion and Reply and the arguments contained
3 therein, Hunt also respectfully moves this court to dismiss the claim against her.

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5 DATED: April 3, 2019

OGLETREE, DEAKINS, NASH, SMOAK &
6 STEWART, P.C.
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8 By: /s/ Vanessa C. Krumbein
9 Stuart D. Tochner
Vanessa C. Krumbein

10 Attorneys for Defendants
11 CALIFORNIA INSTITUTE OF
TECHNOLOGY and
12 DR. FELICIA HUNT
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